United Nations E/C.12/MEX/CO/5-6

Economic and Social Council

Distr.: General
17 April 2018
English
Original: Spanish

Committee on Economic, Social and Cultural Rights

Concluding observations on the combined fifth and sixth periodic reports of Mexico*

1. The Committee considered the combined fifth and sixth periodic reports of Mexico (E/C.12/MEX/5-6) at its 2nd and 3rd meetings (see E/C.12/2018/SR.2 and E/C.12/2018/SR.3), held on 12 and 13 March 2018. At its 28th meeting, held on 29 March 2018, the Committee adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the combined fifth and sixth periodic reports of Mexico and the written replies to the list of issues (E/C.12/MEX/Q/5-6/Add.1), which were supplemented by the delegation's oral replies. The Committee appreciates the frank and constructive dialogue held with the high-level delegation of the State party. The Committee is also grateful to the State party for having forwarded the additional information that was offered during the dialogue.

B. Positive aspects

3. The Committee welcomes the measures taken to promote the enjoyment of economic, social and cultural rights, in particular the constitutional reform of 2011 whereby the constitutional status of these rights was recognized. The Committee also welcomes the implementation of the National Crusade against Hunger since 2013, the National Development Plan 2013–2018 and the National Human Rights Programme 2014–2018.

4. The Committee welcomes the active participation of the National Human Rights Commission and Mexican civil society organizations in the consideration of reports through their submission of written and oral information to the Committee.

C. Principal subjects of concern and recommendations

The justiciability of economic, social and cultural rights

5. Although the Committee notes that the rights set out in the Covenant can be invoked before the courts and applied in judicial decisions, it is concerned at the fact that, in practice, victims of violations of economic, social and cultural rights have difficulty in accessing effective judicial remedies, including the remedy of *amparo*. In addition, it is concerned at the lack of effective enforcement of the judgments handed down in *amparo* proceedings in which violations of economic, social and cultural rights have been found.

* Adopted by the Committee at its sixty-third session (12–29 March 2018).

GE.18-06120 (E) 270418 300418

1806120

Please recycle

6. **The Committee recommends that the State party adopt the necessary measures to ensure that economic, social and cultural rights are enforceable at all levels of the justice system and to facilitate access to effective judicial remedies, including the remedy of *amparo*, for victims of violations of those rights. In addition, it encourages the State party to provide training, especially to judges, lawyers, law enforcement officers, members of Congress and other stakeholders, on the rights protected under the Covenant and the possibility of invoking them in court. It also encourages the State party to conduct campaigns to raise awareness of these rights among rights holders. The Committee urges the State party to ensure the effective enforcement of judgments handed down in favour of victims of violations of economic, social and cultural rights and draws its attention to general comment No. 9 (1998) on the domestic application of the Covenant.**

The situation of defenders of economic, social and cultural rights

7. The Committee is gravely concerned by the serious acts of violence committed against human rights defenders, in particular defenders of economic, social and cultural rights, and the high levels of impunity existing in relation to such acts. In addition, it is concerned at the fact that the measures adopted to afford them protection are not completely effective, partly because of the lack of coordination among federal, state and municipal authorities and the failure to allocate sufficient resources for their implementation.

8. **The Committee recommends that the State party:**

(a) **Take effective and timely action to prevent the commission of all acts of violence against human rights defenders and provide effective protection of their life and integrity of the person, ensuring effective coordination among the federal, state and municipal authorities;**

(b) **Conduct thorough, impartial and effective investigations into all reports of attacks on the life, physical integrity or freedom of human rights defenders, as well as acts of violence, threats, harassment, intimidation, bullying and defamation committed against them;**

(c) **Guarantee the implementation of the Human Rights Defenders and Journalists Protection Act;**

(d) **Ensure the effective functioning of the national protection mechanism by, inter alia, reviewing and improving current protection strategies, taking into account cultural, regional and gender differences, and by allocating sufficient human, financial and technical resources;**

(e) **Conduct information and awareness-raising campaigns on the vital work done by human rights defenders with a view to creating a climate of tolerance in which they are free to work without intimidation, threats or reprisals of any kind.**

9. **The Committee draws the attention of the State party to its statement on human rights defenders and economic, social and cultural rights (E/C.12/2016/2).**

Business and economic, social and cultural rights

10. While the Committee takes note of the information provided by the State party on the process involved in drafting the National Action Plan on Business and Human Rights, it is concerned by the fact that the principles of due diligence in human rights matters are not binding on companies operating in the State party.

11. **The Committee recommends that the State party step up its efforts to ensure the prompt adoption of the National Action Plan on Business and Human Rights and to see to it that all relevant stakeholders participate in the processes of developing and implementing the Plan. In addition, it encourages the State party to adopt appropriate legislative and administrative measures to ensure that companies operating in the State party exercise due diligence in human rights matters in order to prevent their activities from having a negative impact on the exercise of economic, social and**

cultural rights. The Committee encourages the State party to consider implementing the recommendations made by the Working Group on the issue of human rights and transnational corporations and other business enterprises in its report (A/HRC/35/32/Add.2) and refers it to the Committee's general comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities.

Rights of indigenous peoples

12. Despite the existence of protocols on prior consultation, the Committee is concerned by the fact that they are not followed systematically, partly because they are non-binding, and that therefore the right of indigenous peoples to prior consultation with a view to obtaining their free, prior and informed consent is not fully respected, particularly when it comes to the execution of economic projects and the development of natural resources. In addition, it is concerned at the negative impact of such projects on the effective enjoyment of economic, social and cultural rights by the indigenous peoples concerned (art. 1).

13. **The Committee recommends that the State party:**

(a) **Ensure that indigenous peoples are consulted in advance in a systematic and transparent manner with a view to obtaining their free, prior and informed consent with respect to decisions likely to affect them, especially before it grants permits for economic activities in territories that they have traditionally owned, occupied or used. In this regard, the Committee encourages the State party to establish, in consultation with indigenous peoples, effective, appropriate and legally binding protocols that fully guarantee respect for this right or, where appropriate, to apply existing protocols, taking into account the cultural characteristics and customs and practices of each indigenous community and in accordance with the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the United Nations Declaration on the Rights of Indigenous Peoples;**

(b) **Conduct independent studies on the potential social and environmental impact of natural resource exploration and development projects on the indigenous peoples concerned, publish the results and ensure that the agreements concluded for the implementation of these projects include measures to mitigate the impact on the economic, social and cultural rights of the indigenous peoples concerned, as well as adequate compensation.**

Maximum of available resources

14. The Committee notes that the State party has taken the innovative step of incorporating the Sustainable Development Goals into its budget and is making efforts to increase resources and make the tax system more equitable thanks to the 2013 reform of its fiscal policy. However, it is concerned that the impact of these measures has not been sufficiently progressive and that the tax arrears collection rate remains low, which reduces the State party's capacity to fulfil its obligation to mobilize the maximum of its available resources for the realization of economic, social and cultural rights (art. 2 (1)).

15. **The Committee recommends that the State party:**

(a) **Redouble its efforts to achieve a more socially equitable fiscal policy that makes it possible to secure sufficient resources for the progressive realization of economic, social and cultural rights;**

(b) **Adopt the relevant measures to increase the collection of tax arrears;**

(c) **Ensure that the formulation and implementation of the budget is such that it ensures the enjoyment of economic, social and cultural rights by all sectors of the population, particularly the most marginalized and disadvantaged groups and individuals.**

Corruption

16. The Committee is concerned at the high levels of corruption and impunity that persist in the State party. It is also concerned at the lack of adequate protection for persons who report or investigate cases of corruption (art. 2 (1)).

17. **The Committee recommends that the State party:**

(a) **Guarantee the necessary transparency and accountability in the government service;**

(b) **Ensure the effective implementation of anti-corruption measures with a view to effectively combating impunity in this sphere, including both administrative and criminal measures, as appropriate;**

(c) **Adopt measures to provide effective protection to victims of corruption, their lawyers, anti-corruption activists, whistle-blowers and witnesses.**

Discrimination

18. Although the Committee takes note of the existence of a federal law on the prevention of discrimination and the fact that the 32 federative entities also have anti-discrimination legislation, it is concerned that the lack of legislative harmonization makes it impossible to provide adequate and equal protection against the types of discrimination prohibited under the Covenant. It is also concerned at the persistent discrimination faced by specific groups and the fact that there are no appropriate policies to combat the multiple discrimination faced by certain groups, such as indigenous women with disabilities (art. 2).

19. **The Committee recommends that the State party:**

(a) **Review and harmonize its legislation in order to establish a comprehensive legal framework that guarantees a similar level of protection for all persons in the State party against all the types of discrimination enumerated in article 2 (2) of the Covenant;**

(b) **Redouble its efforts to prevent and combat persistent discrimination, in particular against members of indigenous peoples, persons of African descent, persons with disabilities, migrants, asylum seekers and refugees, and lesbian, gay, bisexual, transgender and intersex persons, including by carrying out awareness-raising campaigns, with a view to ensuring the full exercise of the rights recognized in the Covenant, particularly access to employment, social security, health care and education;**

(c) **Adopt specific policies, in consultation with the affected groups, to combat the multiple discrimination faced by some persons.**

20. **The Committee refers the State party to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.**

Gender equality

21. The Committee notes the efforts made by the State party to promote gender equality through, inter alia, the implementation of the National Programme for Equality of Opportunities and Non-Discrimination against Women 2013–2018. However, it is concerned at the fact that gender stereotypes remain deeply rooted in society, which hampers the full enjoyment of economic, social and cultural rights by women and limit their occupation of decision-making positions in both the public and private spheres (art. 3).

22. **The Committee encourages the State party to continue its efforts to achieve substantive equality between men and women in all spheres. In particular, the Committee recommends that the State party:**

(a) **Take effective steps to dispel gender stereotypes in the family and in society, including through information campaigns designed to promote the equal sharing of family responsibilities by men and women, and to make people aware of equal job opportunities to which they can gain access by completing their studies and**

by seeking training in areas other than those traditionally associated with one sex or the other;

(b) **Continue to promote an increased representation of women at all levels of the public administration, particularly in decision-making positions, and promote women's participation in management roles in the private sector.**

23. **The Committee refers the State party to its general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights.**

Right to work

24. The Committee is concerned that, despite the measures adopted by the State party, unemployment and underemployment continue to disproportionately affect young persons, persons with disabilities, members of indigenous peoples, migrants, asylum seekers and refugees. It is also concerned at the large proportion of workers in the informal economy (art. 6).

25. **The Committee recommends that the State party:**

(a) **Step up its efforts to continue bringing down the unemployment and underemployment rates by, for instance, adopting a comprehensive employment strategy that tackles the main causes of unemployment, includes a plan of action with specific targets and focuses on groups that are disproportionately at risk of unemployment;**

(b) **Continue to give priority to high-quality technical and vocational training programmes that are tailored to the needs of both the labour market and the most underprivileged and marginalized persons and groups.**

Working conditions for women

26. The Committee is concerned at the difficulties faced by women seeking to enter the labour market and the fact that they have significantly lower labour force participation rates than men. It is also concerned by reports of discriminatory practices against women in the workplace, such as the requirement that they undergo pregnancy tests before being hired, and the persistent pay gap between men and women (arts. 6 and 7).

27. **The Committee recommends that the State party take effective measures to:**

(a) **Increase women's participation in the labour market, possibly by adopting a policy on care to achieve a more equitable distribution of caregiving tasks between men and women;**

(b) **Close the persistent gender wage gap and combat vertical and horizontal occupational segregation;**

(c) **Eliminate, in practice, all discriminatory actions against women in the workplace, including the requirement of pregnancy tests, unfair dismissals of pregnant women and any actions that result in women occupying poorly paid jobs and facing obstacles in accessing career opportunities on an equal footing with men.**

Minimum wage

28. The Committee is concerned that the minimum wage in the State party is not sufficient to provide decent living conditions for workers and their families (art. 7).

29. **The Committee recommends that the State party continue to increase the minimum wage by means of an appropriate indexation mechanism in order to ensure that this wage is sufficient to provide all workers and their families with decent living conditions and that it adopt the necessary measures to guarantee that minimum wage levels are actually complied with, imposing appropriate sanctions in the event of non-compliance by employers. The Committee draws the attention of the State party to its general comment No. 23 (2016) on the right to just and favourable conditions of work, in particular paragraphs 18 to 24.**

Informal economy

30. The Committee is concerned that approximately 57 per cent of workers are employed in the informal economy and are thus not properly covered by labour laws or the social protection system (arts. 6, 7 and 9).

31. **The Committee recommends that the State party redouble its efforts to progressively lower the number of workers in the informal sector of the economy, to bring those workers into the formal sector and to ensure that they are covered by labour laws and have access to social protection. In addition, it recommends that the State party systematically include the informal sector of the economy in the activities of the labour inspection and occupational health and safety services. The Committee draws the State party's attention to its general comments No. 18 (2005) on the right to work, No. 19 (2009) on the right to social security and No. 23 (2016) on the right to just and favourable conditions of work, as well as its statement of 2015 on "Social protection floors: an essential element of the right to social security and of the sustainable development goals" (E/C.12/2015/1).**

Working conditions of agricultural and domestic workers

32. The Committee is concerned that, despite the efforts made, working conditions in the agricultural and domestic sectors remain substandard and many workers in these sectors continue to earn low wages, have little job security and be exposed to unsafe and unhealthy working conditions and the risk of exploitation and abuse (art. 7).

33. **The Committee recommends that the State party:**

(a) **Redouble its efforts to ensure that all agricultural and domestic workers are provided in law and in practice with fair and satisfactory working conditions, including pay that provides them with a decent standard of living for themselves and their families;**

(b) **Ensure that the labour inspection mechanism has an appropriate mandate and the necessary human, technical and financial resources to effectively supervise employment conditions in all sectors, including domestic service, and that it incorporates an appropriate mechanism for the effective enforcement of the measures it takes and the sanctions it imposes;**

(c) **Establish effective complaint mechanisms for reporting abuse or exploitation, taking into account the situation in which many domestic and agricultural workers find themselves;**

(d) **Consider ratifying the ILO Domestic Workers Convention, 2011 (No. 189).**

34. **The Committee again draws the attention of the State party to its general comment No. 23 (2016) on the right to just and favourable conditions of work.**

Trade union rights

35. While the Committee takes note of the legislative and constitutional reforms relating to employment that were adopted in February 2017 with a view to enhancing the protection of trade union rights, it is concerned by reports of restrictions that, in practice, may affect the exercise of these rights, such as the right to strike and collective bargaining. In addition, it is concerned by allegations of the commission of acts of violence against trade union leaders (art. 8).

36. **The Committee recommends that the State party adopt effective measures to eliminate, in practice, restrictions that hinder the effective exercise of trade union rights by all workers, in accordance with article 8 of the Covenant and with the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98). In addition, it urges the State party to establish effective mechanisms for the protection of union rights, including by carrying out effective investigations into all**

complaints brought to its attention and paying adequate compensation to the workers concerned.

Social security

37. The Committee is concerned that the State party's social protection system is sectorally fragmented and closely linked to formal employment, which means that a significant number of persons, such as informal workers, self-employed workers and persons, especially women, who do unpaid domestic and care work, are not covered by the social protection system (art. 9).

38. **The Committee recommends that the State party continue making efforts to develop a social security system that guarantees universal social protection coverage and provides appropriate benefits for all persons, especially those belonging to the most disadvantaged and marginalized groups, with a view to ensuring that they have a decent standard of living. In addition, it urges the State party to strengthen its efforts to develop a social protection floor that includes basic universal social guarantees. The Committee draws the State party's attention to its general comment No. 19 (2008) on the right to social security and its statement of 2015 on "Social protection floors: an essential element of the right to social security and of the sustainable development goals".**

Violence against women

39. The Committee is concerned at the persistent violence against women that exists in all spheres, including in the home. It is especially concerned at the large number of femicides and high rates of impunity (arts. 3 and 10).

40. **The Committee urges the State party to:**

(a) **Thoroughly investigate all cases of femicide and violence against women and ensure that the perpetrators are prosecuted and duly punished;**

(b) **Strengthen existing mechanisms to prevent violence against women, including through information campaigns to raise public awareness of the seriousness and negative effects of such violence;**

(c) **Provide training to law enforcement officials and judges to educate them about the seriousness and criminal nature of violence against women in all spheres, including in the home;**

(d) **Step up its efforts to provide adequate protection to all women victims of violence by ensuring that they have access to justice through effective remedies, including means of obtaining reparation and compensation, and suitable access to shelters where they can receive immediate physical protection, legal advice and physical and mental health care.**

Children and adolescents in situations of vulnerability

41. The Committee takes note with concern of the information it has received about the vulnerable situation of many children and adolescents, particularly street children, in the State party. It is also concerned that a significant number of children under the age of 14 are engaged in child labour (art. 10).

42. **The Committee recommends that the State party:**

(a) **Establish a comprehensive protection system for children and adolescents who are in situations of particular vulnerability, especially street children, with a view to ensuring their reintegration into society and ensuring that families receive appropriate support to raise and educate their children;**

(b) **Intensify its efforts to prevent and combat the economic exploitation of children by ensuring that legal provisions on child labour are vigorously enforced and strengthening child labour inspection mechanisms;**

(c) **Ensure that all instances of exploitation of children, including economic and sexual exploitation, are thoroughly investigated and that those responsible are duly punished.**

Family members of disappeared persons

43. While the Committee takes note of the information provided by the State party on the measures taken to give protection and support to the victims of enforced disappearance, it is concerned about the daily challenges faced by the families and loved ones of disappeared persons in the effective enjoyment of their economic, social and cultural rights (arts. 10 and 11).

44. **The Committee recommends that the State party ensure access to, and the implementation of, support programmes for the families and loved ones of disappeared persons in order to avoid their revictimization. It also recommends that support and protection measures be developed and implemented in consultation with their beneficiaries so as to ensure that the measures meet their needs and that the State party ensure those persons' effective enjoyment of their economic, social and cultural rights, especially the rights to an adequate standard of living, health and education.**

Poverty and inequality

45. The Committee is concerned that, despite the measures adopted to combat poverty, the levels of poverty, extreme poverty and inequality remain very high in respect of the most disadvantaged and marginalized groups, especially indigenous peoples (art. 11).

46. **The Committee recommends that, taking into account the needs of the most disadvantaged and marginalized social groups in both rural and urban areas and especially of indigenous peoples, the State party:**

(a) **Adopt a comprehensive plan to combat poverty and extreme poverty that establishes specific targets and effective mechanisms for coordination among the various sectors, as well as between the federal authorities and the federative entities, and that is aimed at significantly narrowing the inequality gap;**

(b) **Ensure that social programmes to combat poverty and extreme poverty are implemented in accordance with human rights standards and principles, are allocated sufficient resources for their enforcement and implementation, and devote due attention to the disparities and gaps between different social groups.**

47. **The Committee draws the attention of the State party to its 2001 statement on poverty and the International Covenant on Economic, Social and Cultural Rights.**

Right to food

48. The Committee is concerned that there continue to be high levels of malnutrition and food insecurity, on the one hand, and rising levels of excess weight and obesity, on the other, which interferes with the effective enjoyment of the right to adequate food (art. 11).

49. **The Committee recommends that the State party develop a comprehensive national strategy for the protection and promotion of the right to adequate food in order to address food insecurity in the different regions of the State party and to promote a healthier diet, which, among other things, can reduce problems of excess weight and obesity. It also recommends that both the National Crusade against Hunger and the PROSPERA programme be allocated sufficient resources and that they should devote due attention to the needs of the most marginalized and disadvantaged groups. The Committee refers the State party to its general comment No. 12 (1999) on the right to adequate food and to the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security adopted by the Food and Agriculture Organization of the United Nations (FAO).**

Right to adequate housing

50. The Committee notes with concern that the measures adopted by the State party have not been sufficiently effective in adequately addressing the housing shortage, particularly the lack of social housing and housing accessible to the most disadvantaged and marginalized groups. It is also concerned that those measures encourage housing segregation and social exclusion (art. 11).

51. **The Committee recommends that the State party review the measures it has taken in the area of housing with a view to adopting a comprehensive social housing strategy that:**

(a) **Is based on the right of every individual to adequate and affordable housing and on clearly defined standards of quality and habitability;**

(b) **Gives due priority to the disadvantaged and marginalized individuals and groups living in camps or informal settlements or in precarious and unfavourable conditions;**

(c) **Avoids segregation and social exclusion related to a person's social or economic situation or any other basis of discrimination prohibited under the Covenant;**

(d) **Provides for resources that are proportionate to the unmet need for social housing, as well as effective monitoring of the housing situation in the State party and an accountability framework for the implementation of policies and plans.**

52. **The Committee draws the attention of the State party to its general comment No. 4 (1991) on the right to adequate housing.**

Forced evictions

53. The Committee is concerned by reports of forced evictions carried out in the State party in the absence of appropriate procedural safeguards and legal protection for evicted persons, families and communities (art. 11).

54. **The Committee urges the State party to give adequate protection against forced evictions to evicted individuals, families and communities, including through the adoption and implementation of an appropriate regulatory framework that ensures compensation or the option of suitable alternative housing for persons who have been forcibly evicted, as well as access to effective judicial remedies if their rights have been violated. In addition, it refers the State party to its general comment No. 7 (1997) on forced evictions.**

Internally displaced persons

55. The Committee is concerned about the high number of internally displaced persons resulting from widespread violence and territorial conflicts in the State party, which significantly prejudice the enjoyment of the right to an adequate standard of living, in particular with regard to access to adequate housing and basic services such as water and sanitation, as well as access to health and education (art. 11).

56. **The Committee recommends that the State party address the root causes of widespread violence and territorial conflicts in order to prevent internal displacement. It further recommends that the State party develop a comprehensive policy, based on adequate information, sufficient resources and clearly defined targets, to permit the provision of effective protection to internally displaced persons so they can have access to adequate housing and basic services such as water and sanitation, health, education and social assistance and to help them to make a safe and dignified return to their place of origin wherever possible.**

Right to water and sanitation

57. The Committee is concerned that the lack of effective coordination between the federal, state and municipal authorities, insufficient financing and the lack of proper high-

quality infrastructure may hinder access to quality drinking water and adequate sanitation services and that this has a disproportionate impact on the most disadvantaged and marginalized groups. It is also concerned at the lack of proper protection of water resources from pollution and the lack of suitable wastewater treatment facilities (art. 11).

58. **The Committee urges the State party to intensify its efforts to guarantee access to drinking water and sanitation services for the entire population, particularly the most disadvantaged and marginalized groups and those living in remote rural areas, including by ensuring effective coordination between the administrative authorities at different levels and allocating sufficient resources to ensure an adequate supply of these services. The Committee also recommends that the State party ensure that its water resources are properly protected, including from the negative effects of economic activities and the development of natural resources; establish sanctions and penalties for companies whose activities lead to the pollution of water resources; and establish a suitable and sustainable system for the management and treatment of wastewater. The Committee encourages the State party to consider implementing the recommendations made by the Special Rapporteur on the human rights to safe drinking water and sanitation in his report (A/HRC/36/45/Add.2) and refers it to its general comment No. 15 (2002) on the right to water.**

Right to health

59. While the Committee takes note of the explanations provided by the delegation concerning the progress made in guaranteeing access to the right to health, it is concerned at:

(a) The considerable number of persons who have no access to suitable, high-quality health-care services;

(b) The significant disparities that exist between regions in terms of the accessibility, availability and quality of health-care services, partly as a result of the lack of adequate facilities and medical equipment, the shortage of medicines and the shortage of medical staff;

(c) The possible authorization, under the Health Act, of the placement and treatment of persons with disabilities without their consent;

(d) The lack of suitable programmes and centres for the treatment and mitigation of the harm associated with drug abuse, which has resulted in an increase in the transmission of the hepatitis C virus (art. 12).

60. **The Committee recommends that the State party:**

(a) **Redouble its efforts to ensure that the entire population, especially persons on low incomes, has access to appropriate, affordable and high-quality health-care services;**

(b) **Allocate sufficient resources to the health sector and pursue its efforts to ensure the accessibility, availability and quality of health care in all regions, particularly in remote rural areas, including by improving the infrastructure of the primary care system and guaranteeing that hospitals have suitable and sufficient medical staff, facilities and medical supplies, as well as the necessary emergency medicines;**

(c) **Undertake the necessary reforms to ensure that the treatment of persons with disabilities meets the highest standards in terms of obtaining their free and informed consent;**

(d) **Strengthen programmes for the prevention of drug abuse and mitigation of the harm associated with such abuse and take the necessary measures to guarantee sufficient availability of adequate drug dependency treatment centres that are respectful of the rights of users.**

61. **In addition, the Committee refers the State party to its general comment No. 14 (2000) on the right to the highest attainable standard of health.**

Sexual and reproductive health

62. The Committee is concerned that legislation on the voluntary termination of pregnancy varies from one federative entity to the next, giving rise to serious differences in terms of access that disproportionately affects women on lower incomes who belong to the most disadvantaged and marginalized groups. It is also concerned that, even though some federative entities permit the voluntary termination of pregnancy in certain circumstances, there continue to be challenges in terms of effective access. The Committee also notes with concern the lack of adequate high-quality sexual and reproductive health services and information, as well as the persistently high rates of teenage pregnancy (art. 12).

63. **The Committee recommends that the State party:**

(a) **Harmonize legislation on the voluntary termination of pregnancy and do away with the criminalization of women in the federative entities where abortion is a crime in order to make the legislation compatible with other women's rights, including the right to health, with a view to ensuring that all women have equal access to sexual and reproductive health services, particularly the voluntary termination of pregnancy;**

(b) **Adopt the necessary measures to guarantee access to the voluntary termination of pregnancy in permitted circumstances, including through the adoption of appropriate medical protocols;**

(c) **Intensify its efforts to ensure that appropriate high-quality sexual and reproductive health information and services, including family planning, are available to all women and adolescents in all the federative entities, especially in remote rural areas;**

(d) **Redouble its efforts to prevent teenage pregnancy by, inter alia, ensuring that school programmes on sexual and reproductive health are age-appropriate and properly implemented and conducting campaigns to raise awareness among the general public of the negative impact of teenage pregnancy.**

64. **In addition, the Committee refers the State party to its general comment No. 22 (2016) on the right to sexual and reproductive health.**

Right to education

65. While the Committee recognizes that, in general, the State party has a reasonable regulatory framework in relation to the right to education, it is concerned by:

(a) The deficient, uneven quality of education in the State party's education system, with marked differences between rural and urban areas which disproportionately affect indigenous children;

(b) Persistent difficulties in relation to access to and retention in compulsory education which disproportionately affect disadvantaged and marginalized groups;

(c) The limited availability of preschool education, especially for children from families living in unfavourable socioeconomic conditions;

(d) The difficulties faced by child migrants, child asylum seekers and refugee children in accessing education;

(e) Problems of access to education for children with disabilities and the fact that the regulations continue to permit segregated forms of education for such children (arts. 13 and 14).

66. **The Committee recommends that the State party:**

(a) **Adopt all necessary measures to improve the quality of education by increasing the number of qualified teachers, including through their increased participation in training and in-service courses, improving school facilities and educational materials, and strengthening education in indigenous languages for indigenous children;**

(b) **Take appropriate measures to eliminate difficulties in accessing education and reduce the dropout and repetition rates, particularly at secondary level, for children belonging to disadvantaged and marginalized groups;**

(c) **Intensify its efforts to ensure that access to preschool education is extended to all children, especially those belonging to the most disadvantaged and marginalized groups;**

(d) **Intensify its efforts to guarantee that child migrants, child asylum seekers and refugee children have effective access to education;**

(e) **Ensure inclusive education for children with disabilities and amend the regulations that permit segregated education for such children.**

Cultural diversity

67. The Committee notes with concern that the measures adopted to ensure respect for the cultural diversity of indigenous peoples are not sufficient to promote the traditions, culture and use of the languages of indigenous peoples. It is also concerned at the negative impact that the failure to protect and demarcate the ancestral lands and territories of indigenous peoples has on their exercise of their cultural rights (art. 15).

68. **The Committee recommends that the State party take the necessary steps to strengthen the protection of cultural rights and respect for cultural diversity, including by fostering an enabling environment for indigenous peoples to preserve, develop, express and share their identity, history, culture, languages, traditions and customs. In addition, it urges the State party to ensure the demarcation of the lands and the protection of the right of indigenous peoples to own, use, develop and control their lands, territories and natural resources with complete security, including through legal recognition, the necessary legal protection and restitution of their lands in cases where they have been occupied by non-indigenous persons.**

Participation in cultural and scientific activities

69. The Committee is concerned at the limited access to cultural activities of the most disadvantaged and marginalized groups, particularly low-income groups. It is also concerned that the State party does not allocate sufficient resources to scientific research and that women's participation in the field of science in the State party remains limited (art. 15).

70. **The Committee recommends that the State party adopt the relevant measures to promote the accessibility and affordability of cultural activities and the Internet for the most disadvantaged and marginalized groups, particularly low-income groups. In addition, it recommends that the State party increase its budget for scientific research and adopt the relevant measures to facilitate and guarantee women's access to and participation in the field of science.**

D. Other recommendations

71. **The Committee encourages the State party to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

72. **The Committee also encourages the State party to ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.**

73. **The Committee recommends that the State party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein in its implementation of the 2030 Agenda for Sustainable Development at the national level, with international assistance and cooperation when needed, by incorporating them into the work of the National Council for the 2030 Agenda for Sustainable Development. The achievement of the Sustainable Development Goals would be considerably facilitated by the State party's establishment of independent mechanisms for monitoring progress and treating the beneficiaries of public**

programmes as rights holders who are entitled to avail themselves of their rights. The achievement of the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind.

74. **The Committee recommends that the State party take steps to progressively develop and apply appropriate indicators on the exercise of economic, social and cultural rights in order to facilitate the assessment of the progress achieved by the State party in fulfilling its obligations under the Covenant in respect of various segments of the population. In that context, the Committee refers the State party to, inter alia, the conceptual and methodological framework on human rights indicators developed by the Office of the United Nations High Commissioner for Human Rights (HRI/MC/2008/3).**

75. **The Committee requests that the State party disseminate the present concluding observations widely at all levels of society and, in particular, among civil servants, judicial authorities, legislators, lawyers, the national human rights institutions at the federal and federative entity levels and civil society organizations and that it inform the Committee in its next periodic report about the steps taken to give effect to them. The Committee also encourages the State party to seek the participation of civil society organizations in any discussions held at the national level in follow-up to these concluding observations and prior to the submission of its next periodic report.**

76. **Pursuant to the Committee's procedure for following up on concluding observations, the State party is requested to provide information, within 18 months of the adoption of the present concluding observations, on the action taken to give effect to the recommendations made by the Committee in paragraphs 8 (The situation of defenders of economic, social and cultural rights), 13 (Rights of indigenous peoples) and 44 (Family members of disappeared persons).**

77. **The Committee requests the State party to submit its seventh periodic report, to be prepared in accordance with the reporting guidelines adopted by the Committee in 2008 (E/C.12/2008/2), by 31 March 2023. In addition, it invites the State party to update its common core document, as necessary, in accordance with the harmonized guidelines on reporting under the international human rights treaties (HRI/GEN/2/Rev.6, chap. I).**